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| 10/029,384      | 12/19/2001  | Monica A. McClintic  | 29757/AG61          | 3567             |

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EXAMINER

NGUYEN, KIM T

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3713

DATE MAILED: 02/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/029,384

Applicant(s)

MCCLINTIC, MONICA A.

Examiner

Kim Nguyen

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5 and 8</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

The preliminary amendment filed on March 12, 2002 (paper No. 4) has been received and considered. By this amendment, claims 1-27 are pending in the application.

#### *Specification*

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the claimed limitation “player marker” in claim 16, line 2, and claim 23, line 2, is not disclosed in the specification.

#### *Claim Objections*

2. Claims 4, 7, 15, and 22-23 are objected to because of the following informalities:
- a) In claim 4, line 2; claim 7, line 2; the claimed limitation “at least one” should be corrected to “said at least one”.
  - b) In claim 15, line 2, the claimed limitation “at least one of a resource item” should be corrected to “said at least one resource item”.
  - c) In claim 22, line 7, the claimed limitation “a player” should be corrected to “said player”.
  - d) In claim 22, line 8, the claimed limitation “said at least one game field” should be corrected to “at least one game field”.
  - e) In claim 23, line 2, the claimed limitation “one level to a next higher level” should be corrected to “said at least one level to said next higher level”.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 16-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a) In claim 16, lines 4-7, the claimed limitation "passage of said ... predetermined group" is ambiguous. It is not clear who or what element would pass the player marker? Further, the claimed limitation "being conditioned upon a player's presentation of at least one resource item" is confusing. It is not clear how could the game field is conditioned?

b) Claim 17 is similarly rejected as explained in claim 16 above.

c) Claims 18-21 are rejected as being dependent in the rejected base claim.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seelig et al (US. 2003/0036418).

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- a. As per claim 1, Seelig discloses a gaming method comprising effecting play of a base game (0036); permitting a player to obtain a resource item (0037); upon an occurrence of an event, providing the player a bonus event (0052-0055). Seelig does not explicitly disclose obtaining the resource item during the base game. However, Seelig discloses providing the player credits at the result of the base game for playing the bonus game (0052). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide the player the result during the base game so that the player can obtain the resource credits during the base game, since checking the result of game at a predetermined period during a game requires only routine skill in the art.
- b. As per claim 2, Seelig discloses requiring the player to wager a minimum number of game credits (0066).
- c. As per claim 3-4, Seelig discloses permitting the player to continue playing the base game to accumulate additional resource (0066 and 0037).
- d. As per claim 5, Seelig discloses providing the player an option to return to the base game (0043).
- e. As per claim 6-8, refer to discussion in claims 2 and 4 above.
- f. As per claim 9-13, Seelig discloses requiring wagering a resource item when progressing through the bonus event (0055, 0038, 0076, and 0078).
- g. As per claim 14-15, Seelig discloses providing the player an award (0085, 0082, and 0084).

7. Claims 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss (US. Patent No. 6,582,303).

a. As per claim 16, Weiss discloses a game comprising a predetermined group of resource items 41 (Fig. 4); and a game field (Fig. 4) in which the player's presentation of a resource item matches at least one resource item (col. 3, lines 1-8). Weiss does not explicitly disclose a player marker and randomly select a resource item in the group. However, since Weiss discloses allowing the player a capability to select an item (col. 3, lines 4-5) to be matched with a resource item 40 (Fig. 4), and since allowing a user to mark a selection on computer screen would have been well known, Weiss obviously discloses providing a marker so that the player can mark a selected resource item. Further, randomly providing a resource item 40 (Fig. 4) by computer random pick would have been well known. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a marker and randomly pick a resource item from a predetermined group of Weiss in order to allow the player to see his selection and to enhance the randomness of winning.

b. As per claim 17 and 21, since Weiss discloses allowing the player to move to another game event (Fig. 5, and col. 3, lines 5-16), Weiss obviously includes a plurality of game fields for a plurality of events.

c. As per claim 18-20, Weiss discloses an award (col. 3, lines 19-20; and col. 3, lines 38-47).

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8. Claims 22-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seelig et al (US. 2003/0036418) in view of Weiss (US. Patent No. 6,582,303).

a. As per claim 22, refer to discussion in claims 1, 16-17 and 20. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide the bonus game of Seelig with a plurality of levels as suggested by Weiss in order to enhance the sense of being progressing to the player.

b. As per claim 23-26, refer to discussion in claims 17-21 above.

c. As per claim 27, including a communication element for communicating from one machine to a central controller would have been well known to a person of ordinary skill in the art at the time the invention was made.

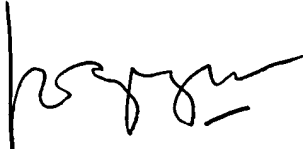
9 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is (703) 308-7915. The examiner can normally be reached on Monday-Thursday from 8:30AM to 5:00PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg, can be reached on (703) 308-1327. The central official fax number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

kn

Date: February 18, 2003

  
**KIM NGUYEN**  
**PRIMARY EXAMINER**